

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE  
BOARD OF PATENT APPEALS AND INTERFERENCES

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Ex parte Ross et al.

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Appeal No. 2007-1587  
Application No. 09/901,512

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Mailed: May 30, 2008

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DECISION ON PETITION

This is a decision on the Request for Oral Hearing, filed April 29, 2008 (“Petition”). The Request for Oral Hearing will be treated as a petition to the Chief Administrative Patent Judge under 37 C.F.R. § 41.3(b).

FINDINGS

1. On February 20, 2008, a telephonic oral hearing was held in this appeal.
2. The Board of Patent Appeals and Interferences (“Board”) issued a Decision on Appeal on February 29, 2008, affirming the rejections of all appealed claims on new grounds of rejection.
3. On April 29, 2008, Appellant filed a Request for Rehearing Pursuant to 37 CFR § 41.52 (“Request for Rehearing”). The Request for Rehearing states that:

The present decision may well impact several other previously issued patents as well as presently pending applications. . . [I]t is respectfully submitted that the implications of the Board's present decision reach beyond the present application, and it would therefore be appropriate to permit oral proceedings [on this Request for Rehearing].

Req. for Reh., p. 1.

5. The USPTO rules, including 37 C.F.R. § 41.47 (oral hearing) and § 41.52 (rehearing), do not contain any provision for an oral hearing on a request for rehearing.

6. To justify the granting of an oral hearing on a request for rehearing, outside the USPTO rules, the minimum showing required is good cause in the form of identification of the issues to be addressed at the proposed oral hearing and an explanation of why an oral hearing is deemed necessary to present those issues.

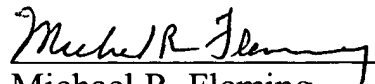
## DISCUSSION

Other than the contention that the Decision on Appeal in this appeal may impact previously issued patents and other presently pending applications, Appellants have not identified the issues giving rise to such impact and why an oral hearing is deemed necessary to present such issues. Thus, Appellants have failed to demonstrate good cause for seeking an oral hearing on the Request for Rehearing.

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DECISION

In view of the foregoing, the Petition is DENIED, and the Request for Rehearing will be assigned to a panel for decision.

  
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Michael R. Fleming  
Chief Administrative Patent Judge

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